

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Sylvia Walker,

Case No. 3:09 CV 108

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

The Court has reviewed the Report and Recommendation of the Magistrate Judge (Doc. No. 5) filed January 26, 2009. Pursuant to 28 U.S.C. § 636 (b)(1)(C) and Local Rule 72.3(b), after being served with the Report and Recommendation, a party has ten (10) days in which to file objections. This Court subsequently makes a *de novo* determination of those portions of the Report to which objection is made. *Id.* Failure to object to the Magistrate's Report and Recommendation constitutes waiver of a *de novo* determination by the district court of an issue covered in the Report. *Thomas v. Arn*, 474 U.S. 140, 149-52 (2005).

In this case, the ten-day period has elapsed and no objections have been filed. Thus, the Court adopts the Report and Recommendation in its entirety. Plaintiff's Motion to Proceed in Forma Pauperis (Doc. No. 2) is denied. Plaintiff shall pay the costs associated with the filing of her Complaint. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

February 27, 2009